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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,239

12/12/2003

Janice K. Ajootian

JKA-5

1879

7590

08/11/2006

Robert J Doherty Esq.
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Barrington, RI 02806

EXAMINER

JOHNSON, JERROLD D

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,239

Applicant(s)

AJOOTIAN, JANICE K.

Examiner

Jerrold Johnson

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) 9, 10, 13 and 14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8 and 15-19 is/are allowed.
- 6) ☒ Claim(s) 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cappel et al US 6,286,999.

Cappel discloses the combination purse and display package having the structure as claimed. Cappel, in Figs. 6a – 6d additionally teaches the locking system as claimed. Cappel does not, however, show the upstanding ridge in the sheet material.

Applicant in page 12 of the present application suggests that tools with moderately sharpened ends will produce the material ridge as is claimed.

The locking system of Cappel is a tag 50 (a locking member) that extends through openings in material. The tag/locking member of Cappel is disposed through openings in the material through the use of a tagging mechanism that first pierces the material, and then conveys the tag (the locking member in this claim) through the pierced openings.

The tagging mechanism that is used to place the tag element 50 (the locking member) of Cappel is known to use a hollow needle with a sharpened end so as to

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pierce through material, just as have been indicated by the applicant to produce material ridges during piercing/penetrating of the package sheet materials.

Russell US 4,712,677 in Fig. 21 discloses the hollow needle with a sharpened end used for installing tags.

And, contrary to the non-persuasive arguments made by the Applicant, a simple test comprising piercing sheets of plastic material, such as are used in the present invention, shows that the material stretches during the piercing process. This stretch necessarily results in the upstanding ridge. That the draftsman who drafted the drawings of Cappel was unaware of this when the drawings were made, or did not feel a need to draw this feature is immaterial, as this result of placing a tag such as is shown in Figs. 6a-6d in the package of Cappel through the known tools (e.g. Russell) used for this purpose will necessarily produce this feature.

Accordingly, in lieu of the admission of the applicant, and in lieu of the known structure of the tool used to dispose such a tag/locking member, it is submitted that despite the lack of such a material ridge being shown in the drawing figures 6c and 6d, a ridge would inherently be produced in the procedure that placed the tag (the locking member) in the package just as suggested by the applicant, and that the ridge would produce the frictional resistance as is set forth in the claims.

Allowable Subject Matter

Claims 1-6,8 and 15-19 are allowed.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDL 


Mickey Yu
Supervisory Patent Examiner
Group 3700